

## Message Text

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42

ORIGIN SCSE-00

INFO OCT-01 EUR-12 ISO-00 L-03 JUSE-00 SCA-01 /017 R

DRAFTED BY SCA:SCS:RJBOYLAN:GJL

APPROVED BY SCA:SCS:LELANE

----- 101787

R 282316Z MAY 75

FM SECSTATE WASHDC

TO AMCONSUL MILAN

UNCLAS STATE 124288

E.O. 11652:N/A

TAGS:CGEN (DANENZA, VICTOR)

SUBJECT: SERVICE OF SUBPOENA

REF: MILAN 967

1. DEPARTMENT AND JUSTICE APPRECIATE CONOFF'S TELCON AND REFTTEL.

2. FYI: 28 U.S.C. 1783(B) PROVIDES THAT SERVICE OF SUBPENA SHALL BE IN ACCORD WITH THE FEDERAL RULES REGARDING SERVICE OF PROCESS ON A PERSON IN A FOREIGN COUNTRY. THOSE RULES PROVIDE THAT "IT IS . . . SUFFICIENT IF SERVICE . . . IS MADE IN THE MANNER PRESCRIBED BY THE LAW OF THE FOREIGN COUNTRY FOR SERVICE IN THAT COUNTRY IN AN ACTION IN ANY OF ITS COURTS OF GENERAL JURISDICTION". DEPARTMENT THEREFORE BELIEVES SERVICE WAS EFFECTIVE. END FYI.

3. IF SERVICE WAS EFFECTIVE, WITNESS WILL BE ORDERED TO SHOW CAUSE AS TO WHY HE SHOULD NOT BE FOUND IN CONTEMPT OF COURT. BEFORE ORDER CAN BE ISSUED, U.S. ATTORNEY MUST PROVE TO COURT THAT SUBPOENA WAS SERVED IN ACCORDANCE WITH LAW. CONGEN THEREFORE REQUESTED TO PREPARE AFFIDAVIT OF SERVICE SETTING FORTH DETAILS OF SERVICE (I.E. NAME AND TITLE OF INDIVIDUAL MAKING SERVICE; DATE, PLACE, TIME OF SERVICE; NAME OF CONCIERGE; MEANS OF ASCERTAINING THAT  
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DANENZA WAS RESIDING AT PLACE WHERE SUBPOENA WAS SERVED;  
AND FACT THAT SERVICE WAS IN ACCORDANCE WITH ITALIAN LAW,  
CITING SECTION OF LAW UNDER WHICH SERVICE WAS EFFECTED).  
AFFIDAVIT SHOULD BE COMPLETED BEFORE CONSULAR OFFICER  
BY PERSON WHO LEFT DOCUMENT AT DANENZA'S RESIDENCE,  
AND SHOULD, IF APPROPRIATE, CONTAIN STATEMENT TO THE  
EFFECT THAT THE PERSON SIGNING THE AFFIDAVIT THOROUGHLY  
UNDERSTANDS THE ENGLISH LANGUAGE AND EACH AND EVERY  
ASSERTION MADE IN THE AFFIDAVIT. (IF THIS IS NOT THE CASE,  
THE AFFIDAVIT SHOULD BE PREPARED IN ITALIAN AND ACCOMPANIED  
BY AN ENGLISH TRANSLATION.)

4. IN ADDITION, U.S. ATTORNEY'S OFFICE WOULD APPRECIATE  
AFFIDAVIT FROM CONOFF SETTING FORTH DETAILS OF CONVERSATION  
W/DANENZA IN WHICH LATTER STATED HE WOULD NOT RETURN TO  
U.S. PLEASE ALSO INCLUDE DETAILS OF SERVICE IF CONOFF  
WAS PRESENT AT TIME OF SERVICE.

5. PLEASE COMPLETE AFFIDAVIT AS QUICKLY AS POSSIBLE, AND  
AIRPOUCH TO DEPARTMENT TOGETHER WITH COPY OF  
DOCUMENTS SERVED. PLEASE ADVISE BY CABLE WHEN PACKAGE  
HAS BEEN SENT. INGERSOLL

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Draft Date:** 28 MAY 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Disposition Comment:**  
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**Subject:** SERVICE OF SUBPOENA  
**TAGS:** CGEN, (DANENZA, VICTOR)  
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